

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
November 15, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, November 15, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Jenny Russell, Yorkminster Presbyterian Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

Chairman Burgett introduced visiting members of Cub Scout Pack 100, Den 8.

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation (VDOT), indicated the plant mix schedule for Route 17 was 96 percent complete, and Cary's Chapel Road was 72 percent complete. The Route 1050 project is about 13 percent complete. The signal light at the Pottery, Route 603, was turned on flash today, and on Friday will be on permanent status. In Coventry the "no through truck" signs are now being fabricated. Mr. Brewer indicated he was currently working on the Six Year Plan for the Board's December 6 work session.

Mr. Bowman stated there was a small maintenance problem on Goodwin Neck Road just before the landfill. He stated the asphalt is broken up, and he asked Mr. Brewer to look at it before cold weather sets in.

Mr. Zarembo noted there are many accidents at Mooretown and Lightfoot Roads, and he thanked VDOT for moving forward quickly in getting the traffic light at that location. He stated he sees there is a lot of new asphalt throughout the upper county, and he expressed his appreciation for what the highway department is doing to make it happen.

Mrs. Noll expressed appreciation for all the work done on Route 17, and she asked if all the striping was completed.

Mr. Brewer indicated it was not, that it would be completed in the next couple of weeks.

Mrs. Noll indicated that while driving on Route 171 crossing Route 17 going toward I-64 there is a hump or bump in the road, and she asked if it would wear down.

Mr. Brewer stated he would check on it.

PRESENTATIONS

FY2005 AUDITED FINANCIAL STATEMENTS

Mrs. Carol White, Director of Financial and Management Services, indicated that each year the county has a financial audit done by an external auditor, which was done this year by Cherry, Bekaert & Holland, LLP. She then introduced Krista Ross who was present to provide the Board with the results of the audit.

Ms. Krista Ross, representing Cherry, Bekaert & Holland, LLP, provided the Board with the results of the audit, and noted no material misstatements in the audit were found and the records were in compliance with all laws and accounting regulations. Financial statements are being prepared on the basis of generally accepted accounting principles. She explained how the audit is conducted and the requirements that were followed. Ms. Ross indicated there were no new accounting policies undertaken this year, and no transactions were noted that lacked authoritative consensus.

CITIZENS COMMENT PERIOD

No one appeared to speak before the Board this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of the November 22 work session to address the Comprehensive Plan. He noted that December 6 was the Board's next regular meeting, and December 20 would be the last regular meeting of this year. The organizational meeting of the Board would be held on January 3, 2006, in the Board Room. Mr. McReynolds then introduced Ms. Sarah Vance who had joined the County Administrator's Office replacing Ms. Debbie Gardner.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba noted the majority of the Board just returned from the annual Virginia Association of Counties (VACo) conference. He stated the Association provides the General Assembly a legislative agenda each year, and the two subjects it included in its resolutions and legislative package to the General Assembly for its consideration this year have to do with transportation and education. He stated there is no doubt that the counties would like to see the General Assembly make sure the State's education system is properly funded and that transportation is addressed with respect to bottlenecks in Tidewater, Richmond, and Northern Virginia. Mr. Zaremba stated that VACo has done everything it can to make sure the General Assembly knows its concerns about transportation and education. Mr. Zaremba then noted that the first hearing on the agenda this evening was to receive property owner comments about the five-year review of the County's Comprehensive Plan which sets the stage for the Zoning Ordinance and what the Board sees with respect to land use. The property owners affected by recommended changes to the Comprehensive Plan have the opportunity to state objections or support with respect to their property, and the Board will meet again in a work session next Tuesday evening to address the Plan one last time before its adoption on December 6. Mr. Zaremba also mentioned he had received a letter commending the staff of the Parks and Recreation Division regarding the just completed Fall Festival at New Quarter Park.

Mrs. Noll noted that transportation is going to take the lead this year with the General Assembly because decisions for long-term transportation must be made. She indicated the Transportation Sub-committee met four or five times this year because there is so much to consider, and they are doing everything they can to get the word out; but it is up to the citizens to let their elected officials know how they feel. She spoke of two transportation meetings that were coming up, and she urged citizens to attend and speak. She also noted that the Governor-elect would be going around the state to see how people feel about transportation, so the citizens should also let him know directly how they feel. Mrs. Noll then thanked all the volunteers who worked during the last election. She urged citizens to sign up to help at the polls. She then

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spoke of Native American Day which she attended this past Saturday, and she stated she hoped it would be an annual event in the County.

Mr. Bowman thanked staff that supported the Veterans Day events here at York Hall. He stated that many people attended the program, and it was well represented by the military. He thanked the Historical Committee for its work on coordinating the program, and he encouraged citizens to attend the upcoming holiday programs. Mr. Bowman noted that Youth Week was coming up, and on December 1 at 7:00-8:15 p.m. at Tabb High School Adolph Brown would be speaking on the theme of "Parents as Partners". Mr. Bowman then mentioned the election results and expressed his congratulations to all those who ran campaigns and won. He stated he was impressed throughout the day by the number of people who turned out to vote in an off year, stating York County citizens care, and they like to be a part of the process.

Chairman Burgett stated he had the pleasure of going to the grand opening of the new Farm Fresh at Route 17 and Goodwin Neck Road. He spoke of the problem the County has with graffiti, stating it is senseless and a disgrace to the community. Mr. Burgett spoke of vehicles being left out for sale, with many of them coming in from surrounding jurisdictions, but the County staff is pursuing the owners. He also spoke about some complaints the County had received about customer service, and he stated the Board is very committed to it, and Mr. McReynolds is reemphasizing it throughout the staff. Mr. Burgett then noted he went to the Griffin-Yeates Center yesterday for an audit of the Head Start Program which was conducted by Federal Government representatives. He stated he felt the audit went very well, and Head Start is a wonderful program for the County's youngest citizens. Mr. Burgett stated today he attended the Master Gardeners graduation luncheon and witnessed 12 individuals from York County receive their diplomas. He noted that this coming Friday is the 14th anniversary of the Senior Center, and he encouraged the other Board members to attend the recognition program which starts at 1:00 p.m.

Mr. Zaremba spoke again stating the new incoming VACo president made a very important statement about voting and how all votes count, and Mr. Zaremba reemphasized that every decision the Board of Supervisors makes affects the voter and the County's programs on a daily basis. He noted there were some very close races in the State this year which signifies how the constituency feels about the job a candidate is doing.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 9, 10, 11, 12, 13, and 14, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 9. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

October 4, 2005, Regular Meeting
October 11, 2005, Adjourned Meeting
October 25, 2005, Regular Meeting
November 1, 2005, Adjourned Meeting

Item No. 10. Street Acceptances: Resolution R05-186

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF

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TRANSPORTATION TO INCLUDE CERTAIN STREETS IN WILLOW
LAKES, SECTIONS TWO, THREE-A, THREE-B, AND THREE-C,
INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form LA-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of November, 2005, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form LA-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Willow Lakes and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted November 15, 2005

The following Form LA-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form LA-5A

Local Assistance Division 6/2005

Project/Subdivision

Willow Lakes, Sections Two, Three-A, Three-B, and Three-C

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street
Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Holmes Boulevard, State Route Number 1702

Description: From: Route 1704 (Rollins Way)
To: Route 1870 (Kevin Court)

A distance of: 0.06 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on
3/15/2000, Plat Book 13, Pgs. 100-101, with a width of 50'

Holmes Boulevard, State Route Number 1702

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Description: *From:* Route 1870 (Kevin Court)
 To: Route 1871 (Nathan Place)

A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 3/15/2000, Plat Book 13, Pgs. 100-101, and on 6/26/2001, Plat Book 13, Pgs. 311-313, with a width of 50'

Holmes Boulevard, State Route Number 1702

Description: *From:* Route 1871 (Nathan Place)
 To: Route 1872 (Kristin Court)

A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 6/26/2001, Plat Book 13, Pg. 311-313, and on 4/9/2002, Instrument No. 020006196, with a width of 50'

Holmes Boulevard, State Route Number 1702

Description: *From:* Route 1872 (Kristin Court)
 To: Route 1703 (Dorothy Drive)

A distance of: 0.11 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/9/2002, Instrument No. 020006196, and on 1/14/2003, Instrument No. 030001127, with a width of 50'

Holmes Boulevard, State Route Number 1702

Description: *From:* Route 1703 (Dorothy Drive)
 To: End of cul-de-sac

A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 1/14/2003, Instrument No. 030001127, with a width of 50'-40'

Kevin Court, State Route Number 1870

Description: *From:* Route 1702 (Holmes Boulevard)
 To: End of cul-de-sac

A distance of: 0.06 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 6/26/2001, Plat Book 13, Pgs. 311-313, with a width of 40'

Nathan Place, State Route Number 1871

Description: *From:* Route 1702 (Holmes Boulevard)
 To: End of cul-de-sac

A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 6/26/2001, Plat Book 13, Pgs. 311-313, with a width of 40'

Kristin Court, State Route Number 1872

Description: *From:* Route 1702 (Holmes Boulevard)
 To: End of cul-de-sac

A distance of: 0.10 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 4/9/2002, Instrument No. 020006196, with a width of 40'

Trevor Trace, State Route Number 1873

Description: *From:* Route 1702 (Holmes Boulevard)
 To: Route 1874 (Karley Place)

A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 3/15/2000, Plat Book 13, Pgs. 100-101, with a width of 50'

Trevor Trace, State Route Number 1873

Description: *From:* Route 1874 (Karley Place)

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To: Route 1703 (Dorothy Drive)
 A distance of: 0.05 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on
 3/15/2000, Plat Book 13, Pgs. 100-101, with a width of 50'

Karley Place, State Route Number 1874

Description: From: Route 1873 (Trevor Trace)
 To: End of cul-de-sac
 A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 3/15/2000, Plat Book 13, Pgs. 100-101, and on 4/9/2002, Instrument No.
 020006196, with a width of 40'

Dorothy Drive, State Route Number 1703

Description: From: Route 1702 (Holmes Boulevard)
 To: Route 1873 (Trevor Trace)
 A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 3/15/2000, Plat Book 13, Pgs. 100-101, and on 1/14/2003, Instrument No.
 030001127, with a width of 40'

Dorothy Drive, State Route Number 1703

Description: From: Route 1873 (Trevor Trace)
 To: Route 1705 (Alice Court)
 A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on
 12/5/2000, Plat Book 13, Pg. 217, and on 3/15/2000, Plat Book 13, Pgs.
 100-101, with a width of 40'

Item No. 11. PURCHASE AUTHORIZATION: Resolution R05-188

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
 TO COMPLETE THE PURCHASE OF A DIESEL EXCAVATOR AND
 EXTEND THE TIME TO COMPLETION OF THE SHORELINE ERO-
 SION CONTROL AND PIER CONSTRUCTION PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods
 and services by the County involving the expenditure of \$30,000 or more be submitted to the
 Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements
 are necessary and desirable, they involve the expenditure of \$30,000 or more, and that all
 applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this
 15th day of November, 2005, that the County Administrator be, and hereby is, authorized to
 execute procurement arrangements for the following:

	<u>AMOUNT</u>
Diesel Excavator	\$ 139,228
Shoreline Erosion Control and Pier Construction Project, 91 day extension of time	\$ 0

Item No. 12. APPLICATION NO. UP-691-05, CELLCO/VERIZON: Resolution R05-190

A RESOLUTION TO AUTHORIZE A 30' EXTENSION OF AN EXIST-
 ING 150' SELF-SUPPORTING MONOPOLE COMMUNICATIONS
 TOWER AND ASSOCIATED EQUIPMENT AT 314 WALLER MILL
 ROAD (WALLER MILL ELEMENTARY SCHOOL)

WHEREAS, on March 18, 1998, the York County Board of Supervisors approved Application No. UP-527-98 to authorize a Special Use Permit for the establishment of a 150-foot freestanding monopole communications tower with associated ground-mounted equipment on the parcel located at 314 Waller Mill Road (Waller Mill Elementary School) and is further identified as Assessor's Parcel No. 5-60; and

WHEREAS, Verizon Wireless has submitted Application No. UP-691-05, which requests approval of a minor modification of the above-referenced use permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a 30' extension of the tower; and

WHEREAS, the York County Board of Supervisors finds that the proposed tower extension meets the criteria for a minor amendment, is consistent with the Board's established policies governing communications towers, and will not adversely affect the surrounding area;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of November, 2005, that Application No. UP-691-05 be, and it is hereby, approved to authorize a 30' extension of an existing 150' freestanding monopole communications tower with associated equipment at 314 Waller Mill Road (Waller Mill Elementary School) subject to the following conditions:

1. This use permit shall authorize up to a 30' extension of an existing 150' freestanding monopole communications tower with associated equipment at 314 Waller Mill Road (Waller Mill Elementary School).
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or development activity on the subject property. Except as modified herein, said plan shall be in substantial conformance with the sketch plan titled "Verizon Wireless Waller Mill Co-Location," prepared by Kimley-Horn and Associates, Inc. and dated September 13, 2005, a copy of which shall remain on file in the Planning Division office. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the County shall immediately notify the applicant and the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
3. The height of the tower shall not exceed 180'.
4. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure. These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
5. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
6. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
7. As part of the site plan submittal, a landscape plan shall be included that complies with

the provisions set forth in Section 24.1-242 of the Zoning Ordinance. The base of the tower, including related equipment, shall be screened from view utilizing evergreen planting material deemed acceptable to the County.

8. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. The security fence shall be designed to prevent recreational equipment, (i.e., baseballs, soccer balls, etc.) from entering into the compound. The fencing shall be covered with a green material to effectively screen views of the equipment shelters.
9. The applicant shall comply with all performance standards specified in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
10. The tower extension shall have a galvanized finish that is gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
11. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower without approval of the York County Board of Supervisors by resolution. Photo simulations of the visual impacts of such antennae shall be provided to the Board prior to its decision.
12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

Item No. 13. STORMWATER POND MAINTENANCE: Resolution R05-192

A RESOLUTION TO AUTHORIZE AND APPROPRIATE FUNDS FOR
FISCAL YEAR 2006 FOR THE COSTS OF THE REGIONAL
STORMWATER POND MAINTENANCE

WHEREAS, the County entered into a Stormwater Pond Maintenance Agreement with several property owners including: Wal-Mart Real Estate Business Trust; Kahn Properties East, LLC; Lowes Home Centers, Inc.; and Bulifants, L.P.; and

WHEREAS, funds in the amount of \$17,360 have been collected according to the agreement to cover the cost of performing the maintenance on the stormwater pond; and

WHEREAS, to proceed with the maintenance of the stormwater pond these funds must be appropriated by the Board in Fund 26 – Stormwater Management Fund;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of November, 2005, that \$17,360 be, and hereby is, appropriated in Fund 26 – Stormwater Management Fund, for the maintenance and repair of the County's regional stormwater pond.

Item No. 14. EMPLOYEE OF THE QUARTER: Resolution R05-193

A RESOLUTION TO COMMEND JAMES C. LANEY IN THE MOS-
QUITO CONTROL DIVISION OF THE DEPARTMENT OF ENVI-
RONMENTAL & DEVELOPMENT SERVICES AS EMPLOYEE OF
THE QUARTER

WHEREAS, Mr. Laney has been employed with the County since January of 1985 and currently holds the position of Mosquito Control Technician in the Department of Environmental & Development Services; and

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WHEREAS, Mr. Laney is a self-starter who excels in all aspects of his demanding job and is highly skilled in diagnosing and repairing various electro-mechanical equipment in support of mosquito control activities and is frequently called upon for advice by other localities in resolving their equipment concerns; and

WHEREAS, the Board of Supervisors approved an additional four-person team for drainage maintenance, and Mr. Laney took the initiative to order the needed equipment, safety items, and storage bins so that the team would have everything necessary to start work without any down time; and

WHEREAS, Mr. Laney has been actively involved in the success of mosquito control prevention programs offered to elementary school students by ensuring that the equipment and other needed items were available and by assisting with the presentations provided to over 500 third grade students; and

WHEREAS, as Mr. Laney became state pesticide applicator certified so that he could assist with mosquito spraying activities and was a member of an in-house Mosquito Control team tasked to demolish a recycling building and to completely renovate the Waste Management facility, through his assistance the County did not have to bear the cost of accomplishing this with a contractor; and

WHEREAS, Mr. Laney is a dedicated employee who consistently performs above and beyond in all aspects of his job;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of November, 2005, that James C. Laney, be and is hereby congratulated upon his selection as Employee of the Quarter for the quarter ended September 30, 2005.

Meeting Recessed At 6:46 p.m., Chairman Burgett declared a short recess.

Meeting Reconvened. At 7:05 p.m. the meeting was reconvened in open session by order of the Chair.

PROPERTY OWNERS' COMMENTS

Chairman Burgett indicated this was not a public hearing, but an opportunity for people to speak after having received notification by letter about proposed changes to the Comprehensive Plan land use designations. He advised speakers they each had 3 minutes to address the Board.

Ms. Edith Heard, 1239 Oak Drive, stated she was not in favor of lowering the density for the property on Queens Creek Road. To say that people who own land and have children have to subdivide their property into whole acre lots will keep many people from being able to give their children any property. She stated many people could not afford \$350,000 houses.

Mrs. Anne McCray, 2300 Hampton Highway, stated she understands there is a proposal to change the designation on property in her area, and she opposes it. She stated she has a car wash behind her that has gone out of business, and it is an eyesore. She stated she wanted the designation to remain as it is now.

Ms. Gloria Nicholson, Farnham, Virginia, representing the Henderson family property on Baptist Road, stated her grandfather and great grandparents were born and raised on the property in question. She stated a change in the zoning to accommodate only one house per acre is not fair. She indicated her relatives come from large families, and they have some relatives who might be interested in having 2 or 3 homes on an acre. Ms. Nicholson stated the proposal is an injustice to them.

Ms. Shirley Henderson Fox, Farnham, Virginia, also addressed the Baptist Road property, stating the property designation should be left as it currently is for people who cannot afford

the more expensive houses.

Ms. Ruth Gaskins, Farnham, Virginia, addressed the Baptist Road Property, providing some of the ownership history of her family. She stated the family is large, and they feel it would be an injustice to them to downzone the property.

Mr. Thomas Ward, representing the Mary Cook Estate, Waller Mill Road, indicated the estate's request is that the proposed change be rejected because it will have an adverse effect on the property value.

Ms. Elizabeth S. Callahan, 100 Harris Grove Lane, stated her property at Route 17 and Cockle-town Road is now Medium Density Residential and General Business, and she has paid taxes based on business property for many years. She stated she did not know where the medium density property was because she has been paying commercial taxes. She indicated if the designation of Limited Business means her property was being down graded, she was opposed to the proposal. Ms. Callahan indicated that Mr. Zalumas also objects to the designation. She stated if there were something special the Board had in mind for this piece of property, she would like to know what it was.

Ms. Janice Orr, 1017 Baytree Beach Road, noted the letter she received indicated the proposal was to rezone their property to resource conservation. She stated there are 20 lots, and most of them are developed and are at varying distances from the water. The 100-foot setback has been adhered to. She asked if there were another damaging storm, would they be allowed to rebuild.

Chairman Burgett indicated the staff would have to answer Ms. Orr's question.

Ms. Frances Goodwin Holt, 107 Point Laurel Place, stated she was concerned about the recommendation relating to her undeveloped property in the Queens Lake area west of I-64 bounded by Parkway Estates and Lakeshead Road. She stated she felt the proposed redesignation of her property from Medium Density to Low Density was not fair in that all of the properties near hers and west of I-64 are designated Medium Density or High Density, and her property would be the sole exception to the density designation west of I-64 in that area.

Ms. Sandra Wooldridge, 204 Kentucky Drive, stated she opposes any change in land use designation to property on Kentucky Drive.

Mr. Robert E. Schlegel, Norfolk, Virginia, indicated he owns 172 acres off Baytree Beach Road and only recently got access to it. He indicated that in two years there should be sewer to the property, and this should have a lot to do with how the land is used. Mr. Schlegel stated he did not want to sell the property but wishes to pass it on to his children and does not want to have any restriction on it.

Ms. Virginia Henderson Fitch, Farnham, Virginia, stated she was in agreement with her other family members regarding their Baptist Road property. She stated for years the family has been paying taxes on it and have cherished it because it belonged to her great-grandfather. She asked that the Board consider not changing the zoning from R-13. She stated the Lackey area is mostly black, and not many people will be able to purchase the property if it goes to one acre lots.

Mr. Tommy Thibodeau, 105 Edgewood Court, and owner of property in the Kentucky Heights area, stated he had a lot of questions, and no where on the website does it explain to him what this revised Comprehensive Plan means financially. He stated he has many concerns and is looking for something that will address what will happen with this property if it is rezoned according to the revised designations.

Ms. Clarice James, indicated she was representing her daughter and several neighbors. She asked that the zoning in the Old Mooretown Road area stay the same.

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PUBLIC HEARINGS

CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT

Mrs. Carol White, Director of Financial and Management Services, made a presentation on proposed Ordinance No. 05-28 to implement the 2004-2005 changes to the Personal Property Tax Relief Act of 1998.

Chairman Burgett asked what share York County gets on an annual basis since the state has capped the car tax at \$950 million.

Mrs. White indicated it will be a fixed amount of money yet to be determined that will be based on the total amount the County was reimbursed for tax year 2004. She stated the best estimate is between \$8 and \$8.5 million, which is about 70 percent.

Mr. Shepperd stated the State promised it would reimburse the localities for loss of revenue, so what Mrs. White has just described is the State pushing to the localities the requirement to compensate because of its failure to keep its promise. This is a blatant failure of the state to take care of its responsibilities.

Mr. McReynolds indicated the percent that is allocated to the State will be printed on the tax bills, starting with 2006.

Chairman Burgett then called to order a public hearing on proposed Ordinance No. 05-28 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION OF
THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX
RELIEF ACT OF 1998

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 05-28 that reads:

AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION OF
THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX
RELIEF ACT OF 1998

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 et seq., ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles, and provide the opportunity for the County to fashion a program of tax relief that serves the best interests of its citizenry;

NOW THEREFORE BE IT ORDAINED by the York County Board of Supervisors this, the 15th day of November, 2005, as follows:

§ 1. Purpose; Definitions; Relation to other Ordinances.

- (a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA affected by legislation adopted during the 2004 Special Ses-

sion I and the 2005 Regular Session of the General Assembly of Virginia.

- (b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.
- (b) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County Code, this Ordinance shall control.

§ 2. Method of Computing and Reflecting Tax Relief.

- (a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.
- (b) The Board shall, by ordinance as part of the adoption of the annual budget, set the rate of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth.
- (c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§ 3. Allocation of Relief among Taxpayers.

- (a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief, regardless of the amount owed.
- (b) Relief shall be allocated across the board to the first \$20,000 of value of each qualifying vehicle.
- (c) Relief shall be provided at a rate, annually set by County ordinance and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The rate shall be established annually by ordinance.

§ 4. Transitional Provisions.

- (a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.
- (b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in County Code Section 21-3 from the original due date of the tax.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

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TELECOMMUNICATIONS TOWER SUBLEASE AGREEMENT

Mr. McReynolds gave a presentation on proposed Resolution R05-189 to authorize the County to enter into a telecommunications tower sublease agreement with Cellco Partnership for antenna space on the telecommunications tower located at York High School.

Chairman Burgett noted that the money would not come from the County but from Verizon.

A brief discussion ensued concerning the ability for others to co-locate on the tower in question.

Chairman Burgett then called to order a public hearing on proposed Resolution R05-189 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A TELECOMMUNICATIONS TOWER SPACE LEASE AGREEMENT WITH CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS, FOR ANTENNA SPACE ON THE COUNTY OWNED TELECOMMUNICATIONS TOWER LOCATED AT 9134 GEORGE WASHINGTON MEMORIAL HIGHWAY, YORKTOWN, VIRGINIA, ON THE CAMPUS OF YORK HIGH SCHOOL.

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-189 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A TELECOMMUNICATIONS TOWER SPACE LEASE AGREEMENT WITH CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS, FOR ANTENNA SPACE ON THE COUNTY OWNED TELECOMMUNICATIONS TOWER LOCATED AT 9134 GEORGE WASHINGTON MEMORIAL HIGHWAY, YORKTOWN, VIRGINIA, ON THE CAMPUS OF YORK HIGH SCHOOL.

WHEREAS, the County owns a telecommunications tower located on the grounds of York High School at 9134 George Washington Memorial Highway, Yorktown, Virginia, pursuant to a tower site lease agreement between the County and the York County School Board dated April 28, 2003; and

WHEREAS, both the Hampton Roads Planning District Commission and Cellco Partnership, d/b/a Verizon Wireless (Verizon), have indicated a desire to locate antenna on the tower under lease agreements with the County, provided, however, that the tower can be strengthened in order to be able to carry the weight load created by the additional antennas; and

WHEREAS, Verizon has offered to enter into a tower site lease agreement with the County to place equipment on the tower, as part of the consideration for which Verizon shall perform the work to strengthen the tower as may be required to support the additional antenna equipment, and will contribute \$30,000.00 towards the cost of such improvements; and

WHEREAS, following a duly advertised public hearing, the Board has determined that it is in the public interest to enter into the proposed lease agreement with Verizon;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of November, 2005, that the County Administrator is authorized on behalf of the County to execute a lease agreement and other related documents with Cellco Partnership, d/b/a Verizon Wireless, for tower space on the telecommunications tower at York High School, for an initial term of five years, renewable at Verizon's option for up to four (4) additional five-year terms, and thereafter for additional five-year terms upon the mutual consent of the parties, for an initial rent payment of \$20,000.00 annually, such document to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPLICATION NO. ZM-97-05, CHARTER HALL BUILDERS, LLC

Mr. Carter gave a presentation on Application No. ZM-97-05 to reclassify from General Business to Medium-Density Single-Family a .18-acre parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane and Beechwood Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 05-29.

A brief discussion followed concerning the ability of Mill Lane residents to use the property to cut through to Heritage Square Shopping Center.

Mr. Robert Long, representing the applicant, asked that the Board approve the zoning change.

Chairman Burgett then called to order a public hearing on Application No. ZM-97-05 that was duly advertised as required by law. Proposed Ordinance No. 05-29 is entitled:

A ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM GB (GENERAL BUSINESS) TO R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL) APPROXIMATELY 0.18 ACRE OF LAND LOCATED APPROXIMATELY 175' WEST OF THE INTERSECTION OF MILL LANE AND BEECHWOOD DRIVE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Shepperd asked if the Board was going to be seeing other homeowners come in for rezoning.

Mr. Carter stated he did not think it was likely. When staff looks at the zoning ordinance as a follow-up to the Comprehensive Plan update, it will probably recommend reclassifying these strips from business to residential.

Mr. Shepperd noted a problem with the commercial property is the depth because of the shopping center size. He asked if changing the strip to residential would be detrimental to the future extension of commercial property.

Mr. Carter indicated there would be no detriment because of the buffer requirements, which can be satisfied by either residential or commercially-zoned property.

Mr. Bowman then moved the adoption of proposed Ordinance No. 05-29 that reads:

A ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM GB (GENERAL BUSINESS) TO R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL) APPROXIMATELY 0.18 ACRE OF LAND LOCATED APPROXIMATELY 175' WEST OF THE INTERSECTION OF MILL LANE AND BEECHWOOD DRIVE

WHEREAS, Charter Hall Builders, LLC, has submitted Application No. ZM-97-05, which requests to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063); and

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WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of November 2005, that Application No. ZM-97-05 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063) and more fully described and identified as follows:

All that certain lot, piece or parcel of land situate, lying and being in Grafton District, York County, Virginia being fifty (50) feet in width and lying on the westerly side of Lot NINE (9), Block "B" and Mill Lane, as shown on the plat of survey entitled, "HARWOOD MILL - SECTION B, A SUBDIVISION OF THE PROPERTY OF THE YORK DEVELOPMENT CORPORATION, GRAFTON DISTRICT, YORK COUNTY, VIRGINIA," dated December 15, 1957, made by Wetherill D. Thomas, Certified Land Surveyor, Williamsburg, Virginia, of record in the Clerk's Office of the Circuit Court of York County, Virginia, in Plat Book 6, page 13, said parcel being more particularly described as commencing at a point on the westerly boundary line of "HARWOOD MILL - SECTION B," and is that point which marks the termination of the centerline of Mill Lane as shown on said plat, and from the point of beginning thus established, running thence in a northerly direction in a line which is coincident to the westerly lot line of Lot NINE (9), Block "B" a distance of 158.72 feet to a point; running thence S 72° 44' 57" W a distance of 50.00 feet to a point; running thence S 17° 15' 03" E a distance of 48.57 feet to a point; running thence S 07° 58' 48" E a distance of 101.86 feet to a point; running thence N 82° 14' 12" E a distance of 50.00 feet to a point, the point or place of beginning.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

APPLICATION NO. UP-679-05, TRACEY A SMITH

Mr. Carter gave a presentation on Application No. UP-679-05 to approve a use permit authorizing a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a .86-acre parcel of land located at 106 Rich Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of denial of the private kennel but approval of the pet grooming salon as a home occupation, and staff also recommended denial of the private kennel and approval of the home occupation through the adoption of proposed Resolution R05-191.

Mrs. Noll stated if the Board approves the private kennel, the Board should consider the property reverting back to its original use should the property be sold at a later date.

Mr. Shepperd asked if this application was applying one size fits all to this kennel.

Mr. Carter indicated it was in terms of dogs. He stated staff was not differentiating on the size of the dogs. He stated he felt the use permit opportunity was provided in R-20 to recognize that

some person might own a larger lot suited to this type of use.

Mr. Shepperd asked how long the applicant has been raising these types of dogs, and have any of the neighbors complained.

Mr. Carter stated no one objected to the pet grooming operation, but there were concerns about the kennel operation. Some of the residents have since changed their minds. Mr. Carter stated staff received a mixed opinion on the kennel.

Discussion followed on the size and breed of the dogs and in what zoning designations kennels are allowed. It was also noted by staff that several of the dogs had been surgically debarked and the others are well trained to the no-bark command.

Mr. Douglas E. Miller, attorney representing the applicant, stated the applicant is a dog trainer of Chinese Crested and miniature pinchers. She currently has 10 dogs and would like to raise the limit to 12. She has been training dogs for decades and has raised them for seven years. The applicant knew that having 12 dogs was not ordinary, and she tried to find out rules about them. She moved in before she realized she needed a kennel license, but as soon as she found out she made application for the use permit. Mr. Miller noted the Planning Commission and staff has only recommended approval of half of her application, and it is the other half that is very important to her because the dogs are a part of her and her family's life. He spoke of the number of neighbors who have written in support of her application. He stated Mrs. Smith lives on .86 of an acre, and she has one of the largest lots in Rich Acres. Her lot backs up to a trailer park that is only partially developed, and the rear is not being used at present. Mr. Miller stated he believes that kennels are permitted by right in the RR district where lot sizes are 1 acre if there is public water and sewer, and Ms. Smith has water and sewer. He noted that the R20 district allows kennels by special use permit as well as R13 where the minimum lot size is 13,000 square feet or a little over one-quarter acre. He stated Mrs. Smith has agreed with all conditions put forth by the Planning Commission and staff and would also agree with a condition to limit the size of her animals at 15 pounds. Materials presented before the Planning Commission demonstrate the care she gives these animals. They spend most of their time inside and are under Mrs. Smith's supervision while outdoors, and she polices the yard daily. Mr. Miller stated the only opposition is from one neighbor that is due to a misunderstanding of the conditions for the permit. Mr. Miller then displayed for the board pictures of the back yard where the kennel is proposed and discussed the actual placement of the run.

Discussion followed concerning the proposal for a kennel and a pet grooming salon as a home occupation.

Chairman Burgett then called to order a public hearing on Application No. UP-679-05 that was duly advertised as required by law. Proposed Resolutions R05-182 and R05-191 are entitled:

Proposed Resolution R05-182:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT AUTHORIZING A PRIVATE KENNEL AT 106 RICH ROAD

Proposed Resolution R05-191:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A PET-GROOMING SALON AT 106 RICH ROAD AS A HOME OCCUPATION

Mrs. Shelia McMahon, 105 Rich Road, stated she was concerned when she met Mr. Smith and he asked if she liked dogs since he told her they had several. She stated since the Smiths moved in she has been nothing but impressed with the way Mrs. Smith handles her dogs. She stated she can hear the animal medical center and pet hotel across Route 17, but there is no noise or odor coming from the Smith property. There are other dogs on each side of the property that have not been debarked, and they are very loud. Mrs. McMahon stated she was in support of Mrs. Smith's application.

Mr. Pat McMahon, 105 Rich Road, addressed the back yard of the property in question,

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stating the run was going right down the middle of the back yard. He stated it is kept clean, and he does not hear the dogs, but he noted he and his wife can hear the dogs on Route 17 at the veterinary center. The lot behind the fence is empty and has been for a long time. He spoke of the 6-foot privacy fence around the property, and he asked the Board to approve Mrs. Smith's request.

There being no one else present who wished to speak regarding the application, Chairman Burgett closed the public hearing.

Mrs. Noll stated she thinks this is a private kennel with small dogs with neighbors who say they are not bothered. She stated she felt the Board should overturn the Planning Commission on the kennel and allow it by use permit. She suggested that a condition be placed in the permit to limit the size of the dogs.

Mr. Zaremba indicated he would want a restriction to the specific breeds and the size associated with them. He questioned whether or not the Board was establishing a precedent with respect to kennels in subdivisions.

Mr. Carter stated staff researched the files, and found only one other permit for a private kennel in Edgehill which has the stipulation that the applicant not get any new dogs and over time it would be under the five dog limit.

Mr. Bowman stated his questions were answered sufficiently. He indicated having been in this business years ago he understands the nature of the business, and his only two concerns are property values and the noise. He stated the noise concern has been satisfied by the information presented. There will not be a permanent kennel with a concrete structure on the ground and another fenced in area. It does not look like the dogs will be left outside at night.

Mr. Shepperd stated the applicant's knowledge and care is supported by the neighbors, and their endorsement is in order. He stated that he was also interested in noise enforcement because of his experience as the president of a homeowners' association when he had dealt with a huge complaint about a barking dog.

Chairman Burgett stated it is obvious the applicant is very well thought of and runs a fine kennel and the neighbors support her, but he noted it shocked him why if she was in business before she did not check the zoning before purchasing her property. Mr. Zaremba brought up the fact that not all use permits are created equal, and the issue to be dealt with now is whether or not the Board may be setting a precedent. He stated he has no problem with the grooming part, but the kennel part is disturbing to him.

Mrs. Noll suggested the use permit be amended to restrict the weight of the dogs to not more than 15 pounds.

Mr. Zaremba stated he did not have a problem with a weight limitation. He noted that both Mr. Shepperd and Mr. Bowman do not feel setting a precedent is an issue, but he stated he would have a major issue with it if he thought the use would be easily expanded throughout the county. Mr. Zaremba stated he felt he could live with it given the parameters the Board has talked about and limiting the use to an exact size of dog.

Mr. Shepperd asked what was meant by "termination of the residence by the applicant or survivor of them at 106 Rich Road."

Mr. Barnett indicated that typically the term "or survivor" means the spouse.

Mr. Carter indicated the intent was to mean the applicant, husband, or children.

Mr. Shepperd stated if the applicant is not there running the business, he did not support the use permit. He stated he wanted it very clear where the permit ends.

Mr. Carter suggested the use permit be amended to read "termination of residence by the applicant."

Mrs. Noll then moved the adoption of proposed Resolution R05-182(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT AUTHORIZING A PRIVATE KENNEL AT 106 RICH ROAD

WHEREAS, Tracey A. Smith has submitted Application No. UP-679-05 requesting a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet-grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of the home occupation for a pet-grooming salon and denial of the private kennel; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of November, 2005, that Application No. UP-679-05 be, and it is hereby, approved to authorize a private kennel within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847) subject to the following conditions:

1. This use permit shall authorize the establishment of a private kennel within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847).
2. The private kennel shall be limited to a maximum of twelve (12) dogs that are six (6) months or older in age and weigh less than fifteen (15) pounds. No commercial kennel operation, such as overnight boarding, training, or renting shall take place on the property.
3. The twelve (12) dogs shall be licensed according to York County requirements and confined to the property.
4. Outside activity for the dogs shall be limited to the designated run area specified on the survey plan "Plat of Property of Patrick N. Smith; Lot 24 & Part of Lot 23 Addition #1 to Rich Acres; York County, Virginia" prepared by Becouvarakis and Assoc., Planning Commission; Land Surveying; Hampton, Virginia on 6/2/05. The designated run area will be cleaned daily to remove animal waste. The designated run shall be treated to control pests a minimum of twice a year.
5. The dogs shall be restricted to outside activity Monday through Sunday only during the hours of 7:00 AM to 8:30 AM, 2:00 PM to 5:00 PM, and 6:00 PM to 8:00 PM.
6. The property owner shall admit, or cause to be admitted, to the property at any reasonable time, with or without prior notice, the Code Compliance Officer or any designee of the County Administrator of York County for the purpose of monitoring compliance with the conditions of this permit.
7. The private kennel Special Use Permit shall expire upon either of the following to occur:
 - a. Transfer of ownership of the land by any means to other than the applicant.

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- b. Termination of residence by the applicant at 106 Rich Road, Yorktown, Virginia.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea (5) Zaremba, Noll, Bowman, Shepperd, Burgett
Nay: (0)

Mrs. Noll then moved the adoption of proposed Resolution R05-191 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A PET-GROOMING SALON AT 106 RICH ROAD AS A HOME OCCUPATION

WHEREAS, Tracey A. Smith has submitted Application No. UP-679-05 requesting a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet-grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of the home occupation for a pet-grooming salon and denial of the private kennel; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of November, 2005, that Application No. UP-679-05 be, and it is hereby, approved to authorize a pet-grooming salon as a home occupation within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847) subject to the following conditions:

1. This use permit shall authorize the establishment of a pet-grooming salon as a home occupation within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847).
2. The conduct of the home occupation shall be limited to approximately 450 square feet, which is shown on the house survey sketch plan filed with the application.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to no more than five days per week

from 8:30 AM and 5:30 PM, with case-by-case private appointments only between 5:30 PM and 8:00 PM.

6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
8. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

APPLICATION NO. UP-681-05, COVENTRY CORNER, LLC

Mr. Carter gave a presentation on Application No. UP-681-05 requesting a use permit authorizing the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-183.

Mrs. Noll asked if the lighting would be from the top of the building down.

Mr. Carter stated no, that as part of the 1998 property rezoning, it was stated that any lighting would have to be directed to Route 17 or be less than 10 feet in height.

Discussion followed on the alarm system, the hours of operation, drainage issues, and access to the property.

Mr. Shepperd noted that Mr. Carter stated the project was unique, and he asked what was unique about it.

Mr. Carter stated it is the first three-level mini-warehouse facility in York County and the first one that is entirely climate controlled and entirely internally accessed. He stated it is also the first one designed with this level of architectural detail.

Mr. Paul Garman, representing the applicant, stated anyone who is buying land looks at what can be done with it for highest and best use, and this project amplifies that premise 100 percent. The applicant has incorporated 15,000 square feet of retail space and 7,000 square feet of mini-storage on the first floor and will be generating income from retail and the warehouse units. He spoke concerning the aesthetics, stating the applicant has done away with the door-after-door-after-door facade. It will be brick all the way around and only one double glass door to access and no loading dock to a 100 percent climate controlled building. Mr. Garman stated he feels this project will become a true model for what the County has worked for months for on Route 17. He stated that by right the applicant could build the retail, and the special use for self-storage is the only part to come before the Board. He noted a motel or a McDonalds could be built without further approval. Mr. Garman stated there are concerns about parking regulations, and a company has been hired to do a study. The results of the study will dictate the number of storage units that can be built.

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Discussion followed on access to the upper floors and parking.

Chairman Burgett then called to order a public hearing on Application No. UP-681-05 that was duly advertised as required by law. Proposed Resolution R05-183 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE FACILITY IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF ROUTE 17 AND COVENTRY BOULEVARD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba stated he feels it is an impressive operation, and he is satisfied with what he has heard.

Mrs. Noll stated she, too, is satisfied. She indicated the questions raised were legitimate, and the developers have answered them. The needs for a good buffer for the neighbors and lighting have been addressed.

Mr. Shepperd stated he feels the Board has voiced great concern for storage facilities over the years. The Board members know there is a need, but they are concerned about appearance. He noted this project was very close to an area that needs this type of service. He agreed that the aesthetics are good with the retail and the architectural appeal and would be part of the Board's goal for beautification along Route 17.

Mr. Bowman stated he liked the presentation and overall design for the property and the fact that it sits back from Route 17. He noted the buffer was another concern, but it has been taken care of properly. Mr. Bowman stated he was satisfied with access to the property and that the project meets the need.

Chairman Burgett spoke of the uniqueness of the project. The bulk of the first floor is retail, and putting storage on top of it makes smart use of the property.

Mr. Zaremba then moved the adoption of proposed Resolution R05-183 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE FACILITY IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF ROUTE 17 AND COVENTRY BOULEVARD

WHEREAS, Coventry Corner, LLC, has submitted Application No. UP-681-05 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel 37-55-3 (GPIN #S02b-4257-3502) and located in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of November, 2005, that Application No. UP-681-05 be, and it is hereby, approved to

authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17) further identified as Assessor's Parcel 37-55-3 (GPIN #S02b-4257-3502), and located in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17) further identified as Assessor's Parcel 37-55-3 (GPIN #S02b-4257-3502), and located in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land disturbing or construction activities on the site. Said site plan shall be in substantial conformance with the concept plan titled "Coventry: Preliminary #2," prepared by C. E. Newbaker Surveying & Planning, Inc., and dated August 17, 2005, supplemented with color buildings submitted by the applicant, except as modified herein. Any significant reduction in ground-floor retail square footage along either Route 17 or Coventry Boulevard shall not be deemed to be in substantial conformance with the referenced concept plan.
3. Development and operation of the mini-storage warehouse facility shall be in compliance with the performance standards set forth in Section 24.1-484, Standards for mini-storage warehouses, of the Zoning Ordinance, except as modified herein.
4. Hours of operation shall be between 6:00 AM and 9:00 PM.
5. Freestanding signage for the development shall be limited to one (1) monument sign on Coventry Boulevard in accordance with the dimensional standards set forth in Section 24.1-703(a), of the York County Zoning Ordinance.
6. Building façades along the northern, western, and southern sides of the building shall be constructed of brick or pre-formed simulated brick panels as depicted on the color building renderings submitted by the applicant. The eastern building façade facing the Tabb Lakes subdivision (i.e., parallel to and facing Bridge Wood Drive) shall be constructed of brick, split-faced block, dryvit or other simulated stucco (EIFS), steel-surfaced/pre-finished insulated dimensional wall panels, pre-formed simulated brick or architectural block panels, and wood or synthetic clapboard siding. Barren or unfinished concrete masonry unit (cinder block), corrugated metal, sheet metal, and vertical metal siding shall not be permitted.
7. All fencing shall be of a black wrought iron style. The use of chain link or similar theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
8. A landscaped open space strip a minimum of ten feet (10') in width shall be provided adjacent to and surrounding the building in accordance with the provisions of Section 24.1-244(b) of the Zoning Ordinance.
9. The existing 50' transitional buffer shall be supplemented with additional plantings, in accordance with the planting ratios and standards for a Type 50 Transitional Buffer set forth in Section 24.1-243 of the Zoning Ordinance, to provide a visual screen between the development and the residential properties located at 514 and 516 Bridge Wood Drive.
10. Vehicular access to the development shall be via Professional Parkway only. Direct vehicular access to Coventry Boulevard shall be prohibited.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the

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expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

Meeting Recessed. At 9:37 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 9:48 p.m. the meeting was reconvened in open session by order of the Chair.

APPLICATION NO. UP-685-05, MARK AND KATHLEEN BARKER

Mr. Carter gave a presentation on Application No. UP-685-05 requesting a use permit authorizing a 795-square foot detached accessory apartment on a .93-acre parcel of land located at 406 Old Lakeside Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-185.

Chairman Burgett called to order a public hearing on Application No. UP-685-05 that was duly advertised as required by law. Proposed Resolution R05-185 is entitled:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 406 OLD LAKESIDE DRIVE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R05-185 that reads:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 406 OLD LAKESIDE DRIVE

WHEREAS, Mark and Kathleen Barker have submitted Application No. UP-685-05 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre parcel of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of the accessory apartment; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of November, 2005, that Application No. UP-685-05 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, establishing a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre parcel of land located at 406 Old Lakeside Drive (Route 1554)

and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in a proposed detached structure on a 0.93-acre parcel of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108).
2. The apartment shall be contained within a proposed structure located on the southern side of the subject property as indicated on the sketch plan submitted by the applicant titled "406 Old Lakeside Drive" prepared by York County Geographic Information Systems, Division of Computer support Services, Department of Financial & Management Services and received by the Planning Division on September 28, 2005.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 795 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. The minimum building setback from the rear property line shall be thirty feet (30').
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

APPLICATION NO. UP-684-05, OCEANFRONT ENTERPRISES, LLC

Mr. Carter gave a presentation on Application No. UP-684-05 requesting a use permit authorizing construction of a mini-storage warehouse facility on an 8.5-acre parcel of land located at 6830 George Washington Memorial Highway. The Planning Commission considered the application and the Commission's motion to recommend approval failed on a 3:3 tie vote. He stated staff recommended approval of the application through the adoption of proposed Resolution R05-184.

Mr. Bowman asked Mr. Carter if it was his recommendation to move the proposed entrance

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closer to the Red Cross Building.

Mr. Carter stated the recommendation is to leave flexibility for it to be done if VDOT says it is the only way the entrance can be accommodated. There have been discussions about a joint entrance with the Red Cross building, but this has not been finalized.

Mr. Bowman indicated the drainage issue is legitimate in that area, and he asked where the issue stands with respect to a timeline to correct the problem.

Mr. Carter stated the project to improve the channels downstream of Victory Industrial Park is likely to go to construction in 2006.

Chairman Burgett spoke of the commercial value of the property, and he asked Mr. Carter why this retail project would not be successful.

Mr. Carter stated because there are greater concentrations of people further south on Route 17, and this property is on the fringe of that market area.

Mr. Burgett indicated the area under power lines has a lot of uses such as for parking and storage. He stated he feels staff's outlook is a little one-sided.

Mr. Joe Latchum, representing Oceanfront Enterprises, stated he felt Mr. Carter had well described the application. He stated the access as contemplated will be met—there is no need to shift it. The property has been for sale since 1981, and there is no question that the area under the power lines could be used for parking and storage. The site having been marketed for 25 years has not drawn the retail development. Mr. Latchum stated one-third of the site is not developable as well as having limited retail potential, and the proposed use is compatible with the used car sales. He stated there was not an access issue and not a drain on county utilities. The project is generally consistent with Comprehensive Plan, and the applicant has made a proffer to build the buildings under the conditions put forth by the staff. He stated the on-site drainage system will fall partially under the power lines. Mr. Latchum then addressed the two concerns that came up at the Planning Commission meeting—drainage and market saturation. He stated if a general business came before the Board with a proposal, the drainage issue would still be there. The applicant is proffering to make payments toward the solution to the drainage problems, and there are better protections built in this application than under a matter of right situation. The project proposes retail sales that will put approximately \$78,000 in the coffers of the county. Mr. Latchum stated he feels this proposal is a good fit for the property.

Chairman Burgett then called to order a public hearing on Application No. UP-684-05 which was duly advertised as required by law. Proposed Resolution R05-184 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE CONSTRUCTION OF A MINI-STORAGE WAREHOUSE FACILITY ON AN 8.5-ACRE PARCEL OF LAND LOCATED AT 6830 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) APPROXIMATELY 300 FEET SOUTH OF THE INTERSECTION OF OLD YORK-HAMPTON HIGHWAY (ROUTE 634)

Mr. Lamont Myers, listing agent for property, stated he has tried every marketing technique in the book, and there are about 25 vacant parcels of property on Route 17. This one is too small for a shopping center and too large for a single user. He stated they have tried to find the right fit, and are very excited about Mr. Perry's proposal. He stated they feel it maximizes the economic potential for the property with a very creative use of the power line easement. He stated this is an opportunity for an applicant to be a part of the solution to a problem he had nothing to do with. It is an excellent design and entirely consistent with developments the Board has approved in the past. Mr. Myers encouraged the Board's support of the application.

Mr. Louie W. Love, representing the University of Richmond, stated the university has a 40 percent interest in the property. He indicated they have been following the wishes of the owners, and they pay the taxes every year. He stated they were hoping they would be able to sell the property rather quickly, but it has turned out to be an investment with a negative return.

He stated if the Board accepted this proposal, it would stop their financial drain and provide cash for the university's educational programs. Mr. Love recommended that the Board approve the proposal.

Mr. John C. Moore, property owner, stated he was born in the Red Cross Chapter office and raised on the subject property. He stated that Vepco did not pay his father very much for the property, and the taxes keep going up. The property has been for sale since 1981, and they have had one or two people interested in where his home sits, but they have not been interested in the land under the power lines. Mr. Moore stated he has never received any tax breaks on the land under the power lines, and he has been waiting for three decades to sell the property.

Mr. Spindler Krause, Jr., 1421 Back Creek Road, Vice President of Victory Industrial Park Property Owners Association, stated they appreciate the drainage requirements as conditioned, and he encouraged the Board to work with this proposal to get it done. He stated there is a serious problem with water in the park, and St. Mark's Lutheran Church has had water backing up in it. Some of the problem is caused by one land owner who insists on blocking it from time to time, and the county is working on getting rights of way to fix the problem. He stated another concern is traffic, stating the intersection of Old York Hampton and Route 17 is the only intersection crossing Route 17 that has not been improved.

Mr. Dale Moore, 104 Lewis Drive, stated approximately two years ago he brought before the Board an application to expand one of his storage facilities, and the proposal was turned down because the Board did not want any more valuable retail space used for storage space. He stated he has been paying taxes on that property for 12 years. Mr. Moore then noted he had found a piece of property on Green Drive, and the issues on the property included it having no sewer to the property and it did not perk. The property was rezoned from residential to commercial, but he was told that he could not rent units, and he could not have an office and no sign on Route 17. Mr. Moore stated he was taken aback when he learned the staff recommended approval of this project because of its Route 17 frontage.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Shepperd stated one of the big concerns underlying the whole storage issue is the issue of abandoned buildings and saturation, and this project is very close to being saturation. He stated there are several facilities not far from this one. He asked how much of the same kind of business can be put in the same area.

Mr. Bowman stated that just within 200 yards of this property is a new facility with 800 units. He indicated he is also concerned with this type of business being located in this area and is amazed that people require so much stuff that they have to have rented space to put it in. He commended the applicant for proffering money to help correct the drainage issues, in that the drainage issue is very serious and needs to be fixed. Mr. Bowman stated he feels there is probably a better use for this property other than storage.

Mr. Zaremba stated he has grave reservations with regard to another mini-storage facility on Route 17. He stated he did not see another facility as big as this to be appropriate for Route 17.

Mrs. Noll stated he felt it was a very good project, and the design was well thought out and a combination of retail and storage, but she noted she has a larger vision of what she would like to see on Route 17. She stated she feels the Board can be more selective in that the retail corridor is growing. She stated that someday something will come to the Board, and it will know that it is the right development. She stated that using Route 17 for facilities like this proposal is a waste of good property, and she does not feel storage facilities need to be highly visible.

Chairman Burgett stated the County is still growing. When General Business is down-zoned to accommodate storage facilities it does the County a disservice. If this application is approved, there would be about 5 square feet of storage space for every man, woman, and child in the county. He stated it is on Route 17, and in years to come the property will do better than storage units.

Mrs. Noll then moved the adoption of proposed Resolution R05-184 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE CONSTRUCTION OF A MINI-STORAGE WAREHOUSE FACILITY ON AN 8.5-ACRE PARCEL OF LAND LOCATED AT 6830 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) APPROXIMATELY 300 FEET SOUTH OF THE INTERSECTION OF OLD YORK-HAMPTON HIGHWAY (ROUTE 634)

WHEREAS, Oceanfront Enterprises, LLC, has submitted Application No. UP-684-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize construction of a 59,576-square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission, with one member absent, was unable by virtue of a tied vote (3:3) to adopt the motion made to recommend approval and no further motions were made for action on the application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission deliberations with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of November, 2005, the Application No. UP-684-05 be, and it is hereby, approved to authorize the construction of a 59,576 square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137) subject to the following conditions:

1. This use permit shall authorize a 59,576 square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any construction or land clearing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Happy Boxes Self-Storage Facility & Specialty Office/Retail; Conceptual Plan," prepared by Vanasse Hangen Brustlin, Inc., and dated 09/26/05, received by the York County Planning Division on September 28, 2005, except as modified herein or as may be necessary to comply with site plan review requirements. In accordance with the concept plan, the retail and mini-storage warehouse components of the project shall be integrally related. Site plan submissions shall include both components and building permits shall not be issued for any of the mini-storage warehouse buildings until permits for the retail building have been issued.
3. Development and operation of the mini-storage warehouse facility shall be in compliance with the performance standards set forth in Section 24.1-484, Standards for mini-storage warehouses, of the Zoning Ordinance, except as modified herein.

4. Building design for the mini-warehouses and any office or support buildings associated with the mini-warehouse project shall be consistent with the representative elevations submitted by the applicant on September 28, 2005, titled "Happy Boxes Self Storage Facility & Specialty Office/Retail; Yorktown, VA; Exterior Elevations" prepared by Ionic Design Studios. All buildings facing George Washington Memorial Highway (Route 17) and Freedom Boulevard (Route 320) shall meet the requirements under Zoning Ordinance, Section 24.1-379, Route 17 Commercial Corridor Revitalization Overlay District.
5. All warehouse bay doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be located along or in the exterior façade of the mini-storage warehouse development.
6. Fencing utilized around the perimeter of the mini-storage warehouse facility shall be simulated wrought iron fencing, except where the boat/RV outdoor storage area is located, which shall be board-on-board wood stockade fencing incorporating a concave or convex top with a minimum height of six feet. The use of theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
7. A tree preservation plan certified by the Virginia Department of Forestry, the York County Cooperative Extension Service or a qualified arborist or urban forester shall be prepared for the lot to be submitted with the first site plan submission as detailed in Section 24.1-242 of the York County Zoning Ordinance specifically addressing the areas designated as 'transferred green space'.
8. Outdoor free-standing and building mounted lighting shall be full cutoff luminaries or a decorative luminary with full cutoff optics in accordance with Illuminating Engineering Society of North America standards. All lighting shall be directed downward and shall not spill over onto adjacent properties or public rights-of-way. Maximum allowable foot-candles at the property lines shall not exceed 0.5 foot-candle. All lighting, except low-level security lighting, shall be extinguished between the hours of 11:00 PM and dawn. In addition, the applicant shall submit a photometric plan, to include manufacturer's specifications for all lighting fixtures, indicating all outdoor lighting on the site as part of the site plan submission process.
9. Freestanding signage for the development shall be limited to one (1) monument sign on George Washington Memorial Highway (Route 17) and one (1) monument sign on Freedom Boulevard (Route 320) in accordance with the dimensional standards set forth in Section 24.1-703(a), of the York County Zoning Ordinance.
10. Limited storage of vehicles may be permitted as an accessory and incidental activity to the mini-storage warehouse use provided they are restricted to recreational vehicles and recreational boats. Parking areas for such storage shall be in addition to minimum required parking for the mini-storage warehouse use, and shall be clearly indicated on the approved site plan referenced in Condition No. 2 above.
11. Design of buildings, driveways and access ways shall accommodate a turning radius of thirty-three feet (33') for large fire and rescue apparatus. Adequate water supply, including hydrants if required by the Fire Chief, shall be established for fire suppression operations on the site.
12. Access to the parcel shall be subject to compliance with all standards established and required by the Virginia Department of Transportation with respect to driveway design and turning lane improvements and shall specifically include installation of a 150-foot full-width right-turn lane with a 150-foot taper to serve the Route 17 entrance. If desired by the applicant, or required by VDOT, the location of the commercial entrance may be shifted to the north side of the retail building and the site to better accommodate the 150-foot turn and taper lanes.
13. An executed encroachment agreement shall be submitted with the first submission of the site plan from Dominion Virginia Power for the proposed improvements in the existing easement located on the southeastern portion of the property.

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14. The stormwater management system serving the proposed development shall be designed so as not to exacerbate the inadequacies of the downstream receiving channels, as documented in the Victory Industrial Area Drainage Study, prepared for York County by Skipper Engineering Associates, PC, and dated November 21, 2003. In the event the applicant proposes to design a stormwater management system that discharges, in whole or in part, to the County-owned drainage and utility easements located in Victory Industrial Park and the downstream channels that convey the outfall from those easements, the applicant shall:
- Design an on-site stormwater management system that maintains the post-development discharge rate at or below pre-development levels that historically flowed toward the Industrial Park system for the 10-year storm and provides 24-hour extended detention of the post development runoff generated by the 1-year, 24-hour duration storm; and
 - Contribute the sum of \$1,480 per acre to the County for every acre, or portion thereof on a proportional basis, that will flow into the Industrial Park system. Said funds are to be applied to the programmed stormwater management improvement project to be undertaken by the County on the outfall channels downstream from Victory Industrial Park.

If the applicant proceeds to construction of the proposed project prior to the time that the County's downstream improvement project is completed and operational, then, in addition to the conditions set out in (a) and (b) above, the applicant shall design the on-site stormwater management system to contain the 100-year storm event on-site. If the applicant chooses not to design and implement an on-site detention system that detains the 100-year storm event on-site, then construction of the mini-warehouse element of the proposed project shall be delayed until such time as the County's downstream improvement project is constructed and operational.

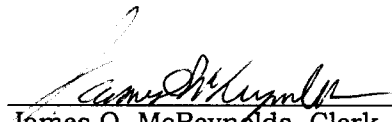
Any discharge of stormwater from the subject site to receiving channels other than the Victory Industrial Park system shall be subject to a design standard that maintains the post-development discharge at or below pre-development levels that historically flowed toward the subject channels for the 10-year storm and that provides 24-hour extended detention of the post development runoff generated by the 1-year, 24-hour duration storm.

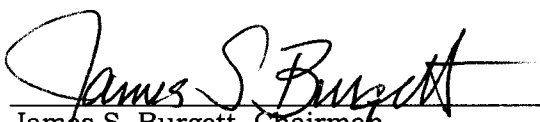
15. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (0)
Nay: (5) Shepperd, Zaremba, Noll, Bowman, Burgett

Meeting Adjourned. At 10:50 p.m. Chairman Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, November 22, 2005, in the East Room, York Hall, for the purpose of conducting a work session.


James O. McReynolds, Clerk
York County Board of Supervisors


James S. Burgett, Chairman
York County Board of Supervisors